

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1113 be amended to read as follows:

- 1 Page 2, delete lines 9 through 30, begin a new paragraph and insert:
- 2 "SECTION 2. IC 33-37-4-6, AS AMENDED BY P.L.85-2004,
- 3 SECTION 21, AND AS AMENDED BY P.L.95-2004, SECTION 9,
- 4 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) For each small claims action,
- 6 the clerk shall collect **the following**:
- 7 (1) From the party filing the action: ~~both of the following fees~~:
- 8 ~~(1) (A)~~ a small claims costs fee of thirty-five dollars (\$35); **and**
- 9 ~~(2) (B)~~ a small claims service fee of ~~five ten~~ dollars ~~(\$5) (\$10)~~
- 10 for each **named** defendant. ~~named or added in the small claims~~
- 11 ~~action.~~
- 12 **(2) From any party adding a defendant, a small claims service**
- 13 **fee of ten dollars (\$10) for each defendant added in the action.**
- 14 However, a clerk may not collect a small claims costs fee or small
- 15 claims service fee for a small claims action filed by or on behalf of the
- 16 attorney general.
- 17 (b) In addition to a small claims costs fee and small claims service
- 18 fee collected under this section, the clerk shall collect the following
- 19 fees, if they are required under IC 33-37-5:
- 20 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 21 IC 33-37-5-4).
- 22 (2) A document storage fee (IC 33-37-5-20).
- 23 (3) An automated record keeping fee (IC 33-37-5-21).
- 24 ~~(4) A judicial administration fee under (IC 33-37-5-21.2).~~
- 25 ~~(4) (5) A judicial insurance adjustment fee under (IC 33-37-5-25).~~

(c) ~~This section applies after June 30, 2005.~~

Page 2, line 36, delete "collect from:" and insert **"collect the following:"**.

Page 2, line 37, delete "the party" and insert **"From the party"**.

Page 2, line 38, delete "defendant; or" and insert **"defendant."**.

Page 2, line 39, delete "a party" and insert **"From any party"**.

Page 3, line 10, strike "IC 33-37-4-6(a)(1) and insert **"IC 33-37-4-6(a)(1)(A)"**.

Page 4, line 39, after "under" insert **"IC 33-37-4-6(a)(1)(B) and"**.

Page 5, after line 16, begin a new paragraph and insert:

"SECTION 5. IC 33-37-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. ~~(a)~~ The clerk of a circuit court shall forward the county share of fees collected to the county auditor in accordance with IC 33-37-7-12(a). The auditor shall retain as the county share twenty-seven percent (27%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-3(a) (juvenile costs fees).

(4) IC 33-37-4-4(a) (civil costs fees).

(5) ~~IC 33-37-4-6(a)(1)~~ **IC 33-37-4-6(a)(1)(A)** (small claims costs fees).

(6) IC 33-37-4-7(a) (probate costs fees).

(7) IC 33-37-5-17 (deferred prosecution fees).

~~(b) This section applies after June 30, 2005.~~

SECTION 6. IC 33-37-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The qualified municipality share to be distributed to each city and town maintaining a law enforcement agency that prosecutes at least fifty percent (50%) of the city's or town's ordinance violations in a circuit, superior, or county court located in the county is three percent (3%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-3(a) (juvenile costs fees).

(4) IC 33-37-4-4(a) (civil costs fees).

(5) ~~IC 33-37-4-6(a)(1)~~ **IC 33-37-4-6(a)(1)(A)** (small claims costs fees).

(6) IC 33-37-4-7(a) (probate costs fees).

(7) IC 33-37-5-17 (deferred prosecution fees).

(b) The county auditor shall determine the amount to be distributed to each city and town qualified under subsection (a) as follows:

STEP ONE: Determine the population of the qualified city or town.

STEP TWO: Add the populations of all qualified cities and towns determined under STEP ONE.

STEP THREE: Divide the population of each qualified city and

town by the sum determined under STEP TWO.

STEP FOUR: Multiply the result determined under STEP THREE for each qualified city and town by the amount of the qualified municipality share.

(c) The county auditor shall distribute semiannually to each city and town described in subsection (a) the amount computed for that city or town under STEP FOUR of subsection (b).

~~(d) This section applies after June 30, 2005.~~

SECTION 7. IC 33-37-7-8, AS AMENDED BY P.L.85-2004, SECTION 27, AND AS AMENDED BY P.L.95-2004, SECTION 15, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) ~~IC 33-37-4-6(a)(1)~~ **IC 33-37-4-6(a)(1)(A)** (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) ~~IC 33-37-4-6(a)(1)~~ **IC 33-37-4-6(a)(1)(A)** (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) ~~IC 33-37-4-6(a)(1)~~ **IC 33-37-4-6(a)(1)(A)** (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(d) The clerk of a city or town court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6),

1 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

2 (3) One hundred percent (100%) of the highway work zone fees  
3 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).

4 (4) One hundred percent (100%) of the safe schools fee collected  
5 under IC 33-37-5-18.

6 (5) One hundred percent (100%) of the automated record keeping  
7 fee (IC 33-37-5-21).

8 (e) The clerk of a city or town court shall distribute monthly to the  
9 county auditor the following:

10 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
11 interdiction, and corrections fees collected under  
12 IC 33-37-4-1(b)(5).

13 (2) Seventy-five percent (75%) of the alcohol and drug  
14 countermeasures fees collected under IC 33-37-4-1(b)(6),  
15 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

16 The county auditor shall deposit fees distributed by a clerk under this  
17 subsection into the county drug free community fund established under  
18 IC 5-2-11.

19 (f) The clerk of a city or town court shall distribute monthly to the  
20 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred  
21 percent (100%) of the late payment fees collected under IC 33-37-5-22.  
22 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit  
23 fees distributed by a clerk under this subsection in the city or town  
24 general fund.

25 *(g) The clerk of a city or town court shall semiannually distribute to*  
26 *the auditor of state for deposit in the state general fund one hundred*  
27 *percent (100%) of the judicial administration fee collected under*  
28 *IC 33-37-5-21.2.*

29 ~~(g)~~ **(h)** *The clerk of a city or town court shall semiannually*  
30 *distribute to the auditor of state for deposit in the judicial branch*  
31 *insurance adjustment account established by IC 33-38-5-8.2 one*  
32 *hundred percent (100%) of the judicial insurance adjustment fee*  
33 *collected under IC 33-37-5-25.*

34 ~~(h)~~ **This section applies after June 30, 2005."**

(Reference is to HB 1113 as printed February 2, 2005.)

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Representative Ulmer